

PRELIMINARY PROTECTIVE ORDER

Commonwealth of Virginia VA. CODE § 19.2-152.9

Case No. GV21001487-00

Hearing Date and Time: 11/10/2021 2:30 pm

AUGUSTA GENERAL DISTRICT COURT - CIVIL

☒ General District Court ☐ Circuit Court
☐ Juvenile and Domestic Relations District Court☐ Extension of Preliminary Protective Order**PETITIONER**

ORLANDO, SAMUEL JOSEPH

PETITIONER'S DATE OF BIRTH

8/13/03 2:12:00T

ORIGINAL

LAST FIRST MIDDLE

And on behalf of minor family or household members
(list each name and date of birth)Other protected family or household members:
(list each name and date of birth)

V.

RESPONDENT

NEAL, BRISTOL BYRD

LAST FIRST MIDDLE

331 WINDSOR DR

RESPONDENT'S ADDRESS

FISHERSVILLE, VA 22939

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
MO.	DAY	YR.	FT.	IN.		
W	M	03	12	01	6	01
					150	BL BR

DRIVER'S LICENSE NO.

STATE

EXP.

☐ CAUTION: Weapon Involved

Distinguishing features:

SUMMONS FOR HEARING

TO ANY AUTHORIZED OFFICER: Summon the Respondent as provided below:

TO THE RESPONDENT: You are commanded to appear before this Court on

at AUGUSTA GENERAL DISTRICT COURT - CIVIL 6 E JOHNSON ST, 2ND FLOOR, STAUNTON, VA 24401 for a hearing on this Petition.
NAME AND ADDRESS OF COURT

DATE ISSUED

☐ CLERK ☐ DEPUTY CLERK

THE COURT FINDS that it has jurisdiction over the parties and subject matter, and that

- ☒ The Petitioner is, or has been, within a reasonable period of time, subjected to an act of violence, force or threat, OR
☐ A warrant or petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1; and
 - In order to protect the health and safety of the Petitioner or any family or household member of the Petitioner, a preliminary protective order is warranted.
- ☒ **Ex Parte Proceeding Only:** The petition has been supported by an affidavit ^{and 581} sworn testimony before the judge or intake officer, and either the Petitioner is in immediate and present danger of any act of violence, force, or threat or there is sufficient evidence to establish probable cause that an act of violence, force, or threat has recently occurred so as to justify an *ex parte* proceeding.
- ☐ As this order was entered without a separate affidavit or an attested petition, or without a form pursuant to Va. Code § 16.1-253.4(D) being presented, the basis upon which this order is entered, including a summary of the allegations made and the court's findings, is as follows:

THE COURT ORDERS that:

- ☒ The Respondent shall not commit acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
- ☒ The Respondent shall have no contact of any kind with the Petitioner
☐ except as follows:
- ☐ The Respondent shall have no contact of any kind with the family or household members of the Petitioner named above
☐ except as follows:
- ☐ The Petitioner is granted possession of the companion animal described as
- ☐ It is further ordered that

NAME/TITLE

RECEIVED
NOV 10 2021
BY:

Case No. GV21001487-00

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
NAME <u>NEAL BRISTOL BYRD</u>	
ADDRESS <u>331 WINDSOR DR</u> <u>FISHERVILLE, MO 65239</u>	
<input checked="" type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER <u>540 810 6752</u>
<input type="checkbox"/> NOT FOUND	
_____ CPL S.A. SPEARS SERVING OFFICER	
for <u>D.L. SMITH</u>	
<u>11/13/21</u> <u>1132</u> DATE AND TIME	
RESPONDENT'S DESCRIPTION (for VCIN entry):	
RACE <u>W</u>	SEX <u>M</u>
DOB: <u>3/12/01</u>	
HGT <u>601</u>	WGT <u>145</u>
EYES <u>HAZ</u>	HAIR <u>BRN</u>
SSN <u>229 89 0149</u>	
Relationship to Petitioner/Plaintiff <u>PLIEMOS</u>	
Distinguishing features _____	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
NAME <u>SAMUEL ORLANDO</u>	
_____ _____ _____	
<input checked="" type="checkbox"/> PERSONAL SERVICE	_____ _____ _____
<input type="checkbox"/> NOT FOUND	
_____ MA THORNTON SERVING OFFICER	
for <u>DL SMITH</u>	
<u>11-10-21</u> <u>1530</u> DATE AND TIME	
<input type="checkbox"/> Copy delivered to _____	
by _____	
TITLE _____	
SIGNATURE _____	

DEFINITIONS:

"Act of violence, force, or threat" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

RECEIVED
NOV 10 2021
BY: _____

PETITION FOR PROTECTIVE ORDER

Commonwealth of Virginia Va. Code §§ 19.2-152.9; 19.2-152.10

Case No. GV21001486-00

Hearing Date and Time

☒ General District Court ☐ Circuit Court
☐ Juvenile and Domestic Relations District Court

SUMMONS FOR HEARING

TO ANY AUTHORIZED OFFICER: Summon the Respondent as provided below:

TO THE RESPONDENT: You are commanded to appear before this Court on DATE AND TIME

at for a hearing on this Petition.

NAME AND ADDRESS OF COURT

DATE ISSUED

☐ CLERK ☐ DEPUTY CLERK

Samuel Joseph O'Nanb
 PETITIONER

Bristol Byrd Neal
 RESPONDENT

331 Windsor Dr.
 RESPONDENT'S ADDRESS/LOCATION

Fishersville, VA 22939

Telephone no. (H) (W)

TO THE PETITIONER: Please provide your information on form DC-621, NON-DISCLOSURE ADDENDUM.

RESPONDENT'S DESCRIPTION (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
W	M	3	12	01	6	1	150	BL	BR

SSN

DRIVER'S LICENSE NO.

STATE

EXP.

The undersigned Petitioner respectfully represents to the court that:

1. A warrant or petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat; OR
2. Respondent is committing or, within a reasonable time, has committed an act of violence, force, or threat, specifically:

*see attached criminal complaint -
 I was sexually assaulted over a period of 5 years ending
 on Nov. 8, 2019. My abuser has been threatening me,
 telling my property outside my home, and coming by at all hours.*

☐ See accompanying affidavit.

3. ☐ Petitioner and Respondent cohabited, as intimate partners, more than 12 months ago but not within the previous 12 months.
4. ☐ A protective order of any type involving the parties is currently in effect.
5. ☐ Petitioner knows or has reason to know that the Respondent owns or otherwise possesses firearms.

PETITIONER, THEREFORE, RESPECTFULLY REQUESTS that a protective order be issued,

☐ with ☐ without a preliminary protective order being issued prior to the full hearing, and
 that any order impose on the Respondent the following conditions and such conditions as the judge deems appropriate as allowed by law:

- ☐ Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property.
- ☒ Prohibiting such other contact with the Petitioner as the judge deems necessary for the health and safety of the Petitioner.
- ☒ Prohibiting such other contact with the Petitioner's family or household members named below, as the judge deems necessary for their health and safety. (Please provide on form DC-621, NON-DISCLOSURE ADDENDUM, the date of birth, gender, and race for each family or household member listed.)

NAMES OF FAMILY OR HOUSEHOLD MEMBERS

Case No. _____

- ☐ Granting the Petitioner possession of the companion animal described as _____
NAME/TYPE
- ☐ Such other conditions as the judge may deem necessary to prevent acts of violence, force or threat, criminal offenses resulting in injury to person or property, or communication or other contact of any kind by the Respondent, namely:

11/10/21

DATE



PETITIONER

ATTORNEY'S ADDRESS AND TELEPHONE NUMBER

by

PETITIONER'S ATTORNEY

(When attested, this Petition shall also be an affidavit of the facts as stated in the Petition.) Sworn to and affirmed before me this

day of _____, 20

☐ INTAKE OFFICER (JUVENILE ONLY) ☐ CLERK

☐ NOTARY PUBLIC My commission expires: _____

Notary Registration No. _____

DATE AND TIME FILED

☐ CLERK ☐ DEPUTY CLERK

TO THE PETITIONER: You are summoned to appear in this court on

DATE

☐ CLERK ☐ DEPUTY CLERK

Case No. _____

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
Name: <u>Bryd Neal</u>	
Address: <u>331 Winderb</u> <u>Pineville, VA 22939</u>	
Tel. No. _____	
<input type="checkbox"/> PERSONAL SERVICE	
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. <input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Not Found	
<div style="text-align: center;">SERVING OFFICER</div> _____ for _____ DATE _____ TIME	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
Name: <u>Samuel Joseph Orlando</u>	
<input type="checkbox"/> PERSONAL SERVICE	
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. <input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Not Found	
<div style="text-align: center;">SERVING OFFICER</div> _____ for _____ DATE _____ TIME	

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

"Act of violence, force, or threat" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.